

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|-------|----------------------|
| UNITED STATES OF AMERICA, |) | Case No.: 4:12CR3049 |
| |) | |
| Plaintiff, |) | MOTION AND AFFIDAVIT |
| vs. |) | TO WITHDRAW AS |
| NICHOLAS H. PLACHY, |) | COUNSEL FOR |
| |) | DEFENDANT |
| Defendant. |) | |
| STATE OF NEBRASKA |) | |
| |)S.S. | |
| LANCASTER COUNTY |) | |

Sean J. Brennan, counsel for defendant, being first duly sworn, deposes and moves this court for an order allowing him to withdraw as counsel for the defendant. As grounds for this motion, counsel informs the court that the decision to request leave to withdraw is made on the basis of compelling circumstances after full consideration of the possible adverse effects on the rights of the defendant and the possibility of prejudice to the defendant, after taking all reasonable steps to avoid foreseeable prejudice to the rights of the defendant. Counsel for the defendant further informs the court:

1. The defendant is unable to comply with the attorney-client agreement for professional services;
2. Pursuant to Neb. Ct. R. §§ 3-501.16(b)(5) and (6), as well as NEGenR 1.3(f) and NECrimR 44.1(e), counsel hereby requests permission to withdraw based on the considerations set forth in those rules;
3. Counsel for the defendant sincerely believes that he cannot continue to provide the defendant with effective assistance of counsel in this case;

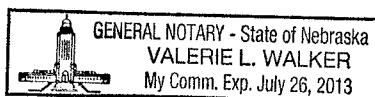
4. Counsel for the defendant has taken all reasonable steps to mitigate the consequences to the defendant which may result from withdrawal of future representation.

WHEREFORE, counsel for the defendant hereby requests leave to withdraw as attorney of record for the defendant.

BY: Sean J. Brennan

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SUBSCRIBED AND SWORN to before me this 28th day of January, 2013.



Valerie Walker
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to AUSA Steve Russell. A copy of the foregoing was served on the defendant by United States mail, postage prepaid, addressed c/o Saline County Jail, PO Box 911, Wilber, NE 68465.

BY: s/Sean J. Brennan
Sean J. Brennan, #15841